REMARKS / ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks. Applicants thank the Examiner for his/her careful consideration of this application.

II. Disposition of Claims

Claims 1-8 are pending in this application.

Claims 1-8 have been amended herein. These amendments are supported by the specification as filed.

Claims 2, 3, and 6-8 stand rejected under 35 U.S.C. § 112. Claims 1-8 stand rejected under 35 U.S.C. § 102(b). The Examiner has objected to claims 1 and 5.

III. Objections to the Specification

The Examiner has objected to the specification on the grounds that the term "tackyfied" is deemed misspelled. (*See* Office Action at ¶ 1.) Applicants have amended the specification in this response to correct this typographical error, as requested by the Examiner. Accordingly, Applicants respectfully request the withdrawal of the objections to the specification.

IV. Objections to Claims

The Examiner has objected to claims 1 and 5 on the grounds that the term "tackyfied" is deemed misspelled. (*See* Office Action at ¶ 2.) Applicants have amended claims 1 and 5 in this response to correct this typographical error, as requested by the Examiner. Accordingly, Applicants respectfully request the withdrawal of the objections to these claims.

V. Rejections of Claims

A. Rejections of Claims Under 35 U.S.C. § 112

Claims 2, 3, and 6-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner writes that claims 2, 3, 6, and 7 are deemed indefinite as being drawn to improper Markush groupings. (*See* Office Action at ¶ 4.) Although Applicants believe that the language in these claims was sufficiently definite, Applicants have amended these claims in this response in accordance with the Examiner's request. Therefore, Applicants respectfully request the withdrawal of these rejections of claims 2, 3, 6, and 7.

The Examiner has also rejected claims 7 and 8 as being indefinite because there is insufficient antecedent basis for the limitation "the tackifying composition" recited in each of these claims. (*See* Office Action at ¶ 4.) In this Response, Applicants have amended the claims to correct this error, and assert that the claims now provide sufficient antecedent basis for this limitation. Accordingly, Applicants respectfully request the withdrawal of these rejections of claims 7 and 8.

B. Rejections of Claims Under 35 U.S.C. § 102(b)

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,047,772 to Weaver *et al.* ("*Weaver*"). Applicants respectfully traverse these rejections. With respect to these rejections, the Examiner writes:

> [*Weaver*] (note col. 3, lines 23-40; col. 4, lines 1-6; col. 6, line 32 - col. 7, line 2) discloses a process of fracturing a subterranean formation and emplacing proppants into the resulting fracture(s) wherein the proppant may comprise an initial resin-coated particle or proppant, such as resin-coated sand, which is subsequently coated with a tackifying composition. In one embodiment, the tackifying composition may be admixed with "a material that has multi-functional reactive sites" such that the tackifying agent will harden or cure upon emplacement of the coated proppants within the formation fracture(s), as called for in claims 1 and 5.

(Office Action at ¶ 6.) In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). Applicants respectfully assert that *Weaver* does not disclose a "tackified resin coated proppant," as recited in claims 1 and 5. As the Examiner correctly notes, *Weaver* discloses coating a tackifying composition onto the surface of a particulate that may comprise sand that has been pre-coated with a resin. (*See Weaver* at col. 3, ll. 26-30 (coating with tackifying compound); *id.* at col. 4, l. 5 (particulate may comprise resin coated sand).) However, claims 1 and 5 recite a "tackified resin coated proppant," wherein the resin itself on the resin coated proppant particulate becomes "tackified" upon contact with the tackifying composition. Merely coating a tackifying composition onto the surface of a resin coated particulate, as disclosed in *Weaver*, does not teach or suggest, either explicitly or inherently, the formation of a "tackified resin."

Applicants therefore respectfully assert that *Weaver* does not disclose the methods recited in claims 1 and 5, and thus these claims are patentable over *Weaver*. Moreover, since "a

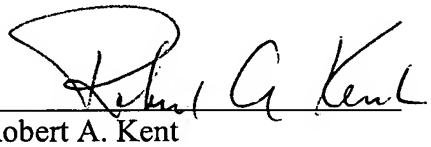
claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 2-4 and 6-8 depend, either directly or indirectly, from claim 1 or 5, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicants respectfully request the withdrawal of these rejections.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



Robert A. Kent
Registration No. 28,626
Halliburton Energy Services, Inc.
2600 South Second Street
P.O. Drawer 1431
Duncan, OK 73536-0440
Telephone: 580-251-3125

ATTORNEY FOR APPLICANTS

Date: October 24, 2005